

Article 7. Requirements for Management of Spent Lead-Acid Storage Batteries**§66266.80. Applicability.**

(a) A person who manages spent lead-acid storage batteries or their components shall comply with all of the requirements of this division pertaining to the management of a hazardous waste, unless the person is specifically exempted in the provisions of this article.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25150, 25159.5 and 25170, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66266.81. Requirements.

(a) Except as provided in subsection (a)(1) of this section, a person who manages spent lead-acid storage batteries which are equivalent in type and equivalent to, or smaller in size than, spent lead-acid storage batteries removed from motor vehicles as defined in Vehicle Code sections 415 and 670 shall comply with the applicable requirements of subsections (a)(2) through (d) of this section.

(1) A person (e.g., automobile owner, service station operator, retail store operator) who generates in one year, stores at one time, or transports at one time in one vehicle ten or fewer spent lead-acid storage batteries which either have been removed from motor vehicles as defined in Vehicle Code sections 415 and 670, or are equivalent in type and equivalent to, or smaller in size than, such batteries, shall be exempt from the requirements of this division pertaining to the generation, storage, and transportation of a hazardous waste with respect to the management of such batteries, provided that the person intends to or does transfer the batteries to a person who stores the batteries or who recycles, uses, reuses or reclaims the batteries.

(2) A person who transfers spent lead-acid storage batteries to a person described in subsection (a)(3) of this section shall be exempt from the requirements of this division pertaining to the generation, storage, and transportation of a hazardous waste with respect to the management of such batteries.

(3) Except as provided in subsection (a)(4) of this section, a person who accepts spent lead-acid storage batteries in exchange or partial exchange for operable lead-acid storage batteries shall be exempt from the requirements of this division pertaining to the generation and storage of a hazardous waste with respect to the management of such batteries, unless:

- (A) The person stores more than one ton of such batteries at any one location for more than 180 days; or
- (B) The person stores one ton or less of such batteries at any one location for more than one year; or
- (C) The person removes the electrolyte.

(4) Except as provided otherwise in subsections (a)(2) and (a)(3) of this section, a person who generates spent lead-acid storage batteries shall be exempt from the requirements of this division pertaining to the generation and storage of a hazardous waste with respect to the management of such batteries, except as follows:

(A) The generator shall use either the manifest or a bill of lading which fulfills the requirements of Title 13 CCR section 1161, to record the shipment of spent lead-acid storage batteries to a person who stores the batteries or who uses, reuses, recycles or reclaims the batteries or their components.

(B) The generator shall retain, at the generator's place of business for at least three years, a legible copy of each manifest or bill of lading which identifies spent lead-acid storage batteries shipped to a person who stores the batteries or who uses, reuses, recycles or reclaims the batteries or their components.

(C) If the generator ships spent lead-acid storage batteries to a facility where the batteries will be disposed, the generator shall comply with all of the requirements of this division pertaining to the management of a hazardous waste.

(5) A person who transports spent lead-acid storage batteries shall be exempt from the requirements of this division pertaining to the transportation of a hazardous waste with respect to the management of such batteries except as follows:

(A) The transporter shall use either the manifest or a bill of lading which fulfills the requirements of Title 13 CCR section 1161, to record the transportation of spent lead-acid storage batteries to a person who stores the batteries or who uses, reuses, recycles or reclaims the batteries or their components.

(B) The transporter shall retain at the transporter's place of business for at least three years a legible copy of each manifest or bill of lading which identifies spent lead-acid storage batteries hauled to a person who stores the batteries or who uses, reuses, recycles or reclaims the batteries or their components.

(C) The transporter shall submit to the Department by March 1 of each calendar year beginning March 1, 1986, an annual report summarizing for the preceding calendar year information including, but not limited to, the identities of the generator and the recipient of the batteries, on a form approved by the Department.

(D) If the transporter hauls spent lead-acid storage batteries to a facility where the batteries will be disposed, the transporter shall comply with all of the requirements of this division pertaining to the management of a hazardous waste.

(6) A person who owns or operates a facility which stores either more than one ton of spent lead-acid storage batteries at any one location for 180 days or less or one ton or less of such batteries at any one location for one year or less and who transfers the batteries off-site for use, reuse, recycling or reclamation, shall be exempt from the requirements of this division as they pertain to the owner or operator of a hazardous waste storage facility with respect to the management of such batteries, except as follows:

(A) The owner or operator shall accept either the manifest or a bill of lading which fulfills the requirements of Title 13 CCR section 1161, in lieu of the manifest to record the acceptance of spent lead-acid storage batteries for storage.

(B) The owner or operator shall retain at the owner's or operator's place of business for at least three years, a legible copy of each manifest or bill of lading which identifies spent lead-acid storage batteries accepted for storage.

(C) The owner or operator shall submit to the Department by March 1 of each calendar year beginning March 1, 1986, an annual report summarizing for the previous calendar year information including, but not limited to, the identities of the generator and the transporter of the batteries, on a form approved by the Department.

(D) The owner or operator shall store spent lead-acid storage batteries in accordance with the packaging requirements of Title 49 CFR section 173.260 and shall label the packaged batteries with the date they were received. The labeling shall be written in ink, paint, or other weather-resistant material such that the date is legible and conspicuous.

(7) A person who owns or operates a facility which stores either more than one ton of spent lead-acid storage batteries at any one location for more than 180 days, or one ton or less of such batteries at any one location for more than one year, or which removes electrolyte from such batteries for purposes of recycling either the batteries or their components (e.g., the lead, the cases or other components) shall comply with all of the requirements of this division pertaining to the owner or operator of a hazardous waste facility, except as follows:

(A) The owner or operator shall accept either the manifest or a bill of lading which fulfills the requirements of Title 13 CCR section 1161, to record the receipt of spent lead-acid storage batteries for storage or for recycling.

(B) The owner or operator shall retain at the owner's or operator's place of business for at least three years, a legible copy of each manifest or bill of lading which identifies spent lead-acid storage batteries accepted for storage or for recycling.

(C) The owner or operator shall submit to the Department by March 1 of each calendar year beginning March 1, 1986 an annual report summarizing for the previous calendar year information including, but not limited to, the identities of the generator and the transporter of the batteries, on a form approved by the Department.

(D) The owner or operator shall store spent lead-acid storage batteries in accordance with the packaging requirements of Title 49 CFR section 173.260 and shall label the packaged batteries with the date they were received. The labeling shall be written in ink, paint, or other weather resistant material such that the date is legible and conspicuous.

(8) A person who treats spent or damaged lead-acid storage batteries is subject to all requirements of this division.

(b) A damaged battery shall be managed so as to minimize the release of acid and lead and to protect the handlers and the environment, including at a minimum:

(1) A damaged battery shall be stored and transported in a nonreactive, structurally secure, closed container capable of preventing the release of acid and lead.

(2) A container holding one or more damaged batteries shall be labeled with the date that the first battery in the container was placed there, i.e., the initial date of accumulation.

(3) All container labels shall be written in ink, paint or other weather-resistant material so that the date is legible and conspicuous.

(4) A container holding one or more damaged batteries shall be packed for transportation in a manner that prevents the container from tipping, spilling or breaking during the transporting.

(c) A damaged battery packaged and labeled as specified in subsection (b) of this section shall be transported as provided in subsections (a)(4) and (a)(5) of this section and may be transported with intact batteries, subject in all instances to U.S. Department of Transportation regulations.

(d) "Damaged battery" means, for purposes of this article, any cracked or otherwise damaged lead-acid storage battery that may leak acid, including but not limited to:

(1) A battery damaged at any time before the lead plates are removed, and

(2) A battery that is missing one or more caps.

NOTE: Authority cited: Sections 208, 25150 and 25159.5, Health and Safety Code. Reference: Sections 25159.5, 25160, 25163, 25170 and 25201, Health and Safety Code; 49 CFR Section 173.260.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

2. Editorial correction amending subsection designator from (a)(4)(8) to (a)(4)(B), and amending HISTORY 2 (Register 98, No. 42).